

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED
AUG - 8 2007
U.S. DISTRICT COURT
WHEELING, WV 26003

**LINDA SMEDLEY, as Administratrix of
THE ESTATE OF EARL ELTON SMEDLEY,**

Plaintiff,

v.

CIVIL ACTION NO. 3:06CV104

**RUSSELL LYNN BREWER, and
MSM TRUCKING, INC.,
d/b/a WOMCO TRUCKING,
and WOMCO TRUCKING,**

Defendants.

**ORDER MODIFYING THE COURT'S SCHEDULING ORDER AND
THE AMENDED SCHEDULING ORDER**

THIS MATTER came before the Court for consideration upon the Joint Motion to Modify the Court's Scheduling Order and Order Amending Scheduling Order of the parties, by counsel who jointly move this Court to amend certain deadlines contained in the Court's Scheduling Order of February 28, 2007 and in the Order Amending Scheduling Order of June 22, 2007. The parties have agreed to extend the discovery completion deadline to and including November 1, 2007 based on the conflicting schedules of counsel and the witnesses and the need for additional discovery.

The parties have further agreed to extend the dispositive motions deadline to and including November 15, 2007 which would allow sufficient time to complete the pleading cycle without the need to modify any deadlines remaining prior to the pretrial in this matter. The pleading cycle shall be scheduled as follows:

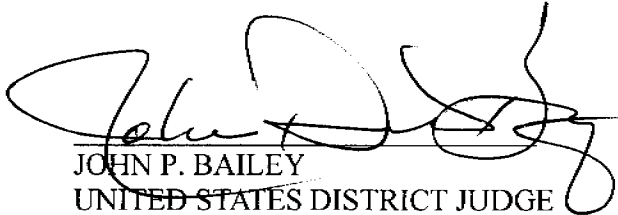
Dispositive motions deadline	November 15, 2007
Response to dispositive motions	November 30, 2007
Reply to dispositive motions	December 7, 2007

WHEREFORE, based upon the foregoing, it is ORDERED that the discovery completion deadline be extended to November 1, 2007, and the deadlines for dispositive motions and their responsive pleadings be extended to the dates set forth above, which dates will supercede and replace the earlier dates and will not require modification of other remaining dates .

The Clerk is directed to transmit copies of this Order to counsel of record.

It is so ORDERED.

DATED: 8.7.2007


JOHN P. BAILEY
UNITED STATES DISTRICT JUDGE